

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, APRIL 17, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *City of San Diego and Redevelopment Agency of the City Of San Diego v. McKinnon Properties, Inc., et al. and related cross-action*

San Diego Superior Court Case No. GIC 854166

DCA J. Cordileone

This matter involves a breach of contract wherein McKinnon Properties, Inc. contracted with the Redevelopment Agency to build a certain type of residential/commercial structure. Construction did not begin. The parties believe they have reached an appropriate settlement. In closed session, the City Attorney seeks approval of a proposed settlement offer currently pending between the parties which will lead to complete resolution of all cases filed under this caption.

**CS-2 *Reinhold Metzger, et al. v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC 831229**

DCA D. Brodie

This matter involves an inverse condemnation case resulting from the overflowing of the Oak Park Drainage Channel. The City Attorney that the Council a possible settlement of the closed session.

**CS-3 *Building Industry Association, Inc. v City of San Diego*
San Diego Superior Court Case No. GIC 817064**

DCA: D. Karlin

This case involves a challenge to the City Council's decision on June 3, 2003, to adopt the Inclusionary Affordable Housing Regulations [Ordinance], codified at Chapter 14, Article 2 of the San Diego Municipal Code [SDMC]. Plaintiff Building Industry Association challenges the validity of the Ordinance on several grounds, including claims that the Ordinance authorizes an illegal exaction, unlawfully delegates legislative power, and impairs the vested property rights of land owners. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiff's most recent offer to settle the case.

**CS-4 *William J. McGuigan v. City of San Diego, et al.*
San Diego Superior Court GIC 849883**

CA M. Aguirre

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney will brief the City Council on the status of the matter.

**CS-5 *William R. Newsome, III v. San Diego City Employees' Retirement System, et al.*
San Diego Superior Court Case No. GIC856841**

CA M. Aguirre

This is a claim for monetary damages filed by Attorney Michael Conger on behalf of the SDCERS beneficiaries. In closed session the City Attorney will update the Council on the status of the matter.

**CS-6 *San Diego Police Officers Association v. Michael Aguirre, et al.*
United States District Court No. 05 CV 1581**

CA M. Aguirre

This matter is an action filed by the San Diego Police Officers Association for damages and declaratory relief. In closed session the City Attorney will brief the Council on the status of the matter.

**CS-7 *Marcus R. Abbe, et al. v. City of San Diego, et al.*
United States District Court No. 05 CV 1629**

CA M. Aguirre

This matter is a class action filed by numerous police officers alleging violations of the memorandum of understanding with the City of San Diego. In closed session the City Attorney will brief the Council on the status of the matter.

**CS-8 *SDCERS v. San Diego City Attorney Michael J. Aguirre, et al. more*
San Diego Superior Court Case No. GIC841845**

CA M. Aguirre

This case was originally filed by SDCERS for declaratory relief regarding whether the City Attorney's office may serve as general counsel for SDCERS. The City Attorney cross-complained against SDCERS for declaratory relief regarding the legality of pension benefits granted under MP I and MP II. In closed session the City Attorney will update the Council on the status of the matter.

**CS-9 *SDCERS v. City of San Diego*
San Diego Superior Court Case No. GIC851286**

CA M. Aguirre

This is a case for declaratory relief that was filed by SDCERS and is, essentially, a mirror image of the cross-complaint on file in the first SDCERS case. In this case SDCERS seeks a judicial declaration upholding the legality of benefits granted under MP I and MP II. In closed session the City Attorney will update the Council on the status of the matter.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-10 Legality of Proposed Superstore Ordinance

DCA: J. Garmo

The Joint Labor Management Committee has submitted to the City a proposed ordinance [SKU Ordinance], which would prohibit the establishment of Superstores (stores combining a general discount store with a full-sized supermarket under a single roof) in the City of San Diego. WalMart has threatened litigation if the City were to pass this ordinance. In closed session, the City Attorney will provide information on the legality of the proposed ordinance.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-11 Agency negotiator: Scott Chadwick, J. Rod Betts, Julie Dubick, Lisa Briggs, Jay Goldstone, Rich Snapper, Scott Chadwick, Val VanDeweghe, Jessica Falk Michelli William Gersten

Employee organizations: Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, Deputy City Attorney Association

DCA assigned: J. Falk Michelli

Discuss with Council the labor contract negotiations with the Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney Association regarding new labor agreements.